

REMARKS

The examiner rejected claims 1-3 as being anticipated by Sorkin.

The applicant requests reconsideration after final as the claims have been slightly reworded to have the same elements with slightly different claim language describing the features.

Claim 1 was amended to show that the U shaped portion is semicircular and has a circumference, a center, and a diameter. The arms are now claimed to be straight and pointed at the center of the semicircle. The arms extend to a point on the circumference, a diameter from the U shaped portion. This now defines the end of the arms without reference to a rebar. The reference to a rebar has been deleted from the claims. Therefore the examiner's rejection referring to a large range of rebar diameters to anticipate the claims has been overcome. The diameter is now fixed as the diameter of the U shaped semicircle which has only one length and particularly defines the invention in the claim.

The Sorkin reference does not use straight arms with an end on the circumference of the U shaped rebar cradling portion with the arms ending at a distance of a diameter from the U shaped rebar cradling portion, therefore Sorkin does not anticipate the claims.

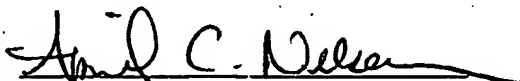
With claim 1 allowable claims 2-11 which are dependent on claim 1 are believed to be allowable.



CERTIFICATE OF MAILING

I hereby certify that the foregoing an Amendment After Final (5 pp.) in response to the Final Official Action dated September 29, 2006, a transmittal letter and a return receipt postcard, in application Serial No. 10/722,890, filed on November 26, 2003, of Julian P. Trangsrud entitled "REBAR SPACER" is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450, postage prepaid, on October 11, 2006.

Date of Signature: October 11, 2006.


April C. Nelson
On Behalf of Steven E. Kahm
Attorney for Applicant(s)

BEST AVAILABLE COPY